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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,450	01/27/2004	Tatsutoshi Kitajima	248088US2	8704
22850 7590 02/07/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER LE, TUAN H	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/764,450

Applicant(s)

KITAJIMA, TATSUTOSHI

Examiner

Tuan H. Le

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16, 18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 14-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 recites the limitation "said external device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "mutually transmit and receive continuous data" in line 31. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "communicating in parallel with" in line 35. There is insufficient antecedent basis for this limitation in the claim.

Claims 14-16, 18, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 7,027,084) in view of Yamagishi (U.S. 6,327,001) and further in view of Misawa (U.S. Pat. 7,136,102).

Regarding **claim 1**, Watanabe discloses an image processing apparatus (see Watanabe, Fig. 1 and Fig. 3), comprising:

a camera function portion (1A) which includes a central processing unit (CPU 20) to control the entire image processing apparatus, an operating portion (15) to input an operation externally, an imaging portion (22) to photograph an image of a subject, a

digital processing portion (25,26,27) to perform a digital processing to various signals including photographing data of said imaging portion, a displaying portion (9) to display image data processed by said digital processing portion, a communication function portion (29) house in said image processing apparatus or provided attachably and detachably on said main body of said image processing apparatus and configured to communicate with said external communication device (phone 40A), and a data storing portion (35) to store digital data which relates to said digital processing portion;

a communication judging portion (inherent part) to judge whether or not a communication with an external communication device with respect to a signal from said external communication device is possible (Watanabe, Fig. 1, wherein the camera is designed to communicate with the external phone; therefore, it is necessary to check if connection is possible);

a data communication portion (CPU 20 and communication interface 29) which carries out the communication with said external communication device (40) when it is judged by said communication judging portion that the communication is possible, and transmits communication data,

a control interface portion (CPU 20 and communication interface 29) to control said camera function portion using control data from said external communication device (Watanabe, Fig. 9, wherein frame number and resize instruction is sent),

wherein the communication data with the external communication device (40A) include a media interface program (inherent part) to transmit data to and receive data from said digital processing portion (25-27) in said camera function portion (1A), a

media interface portion (CPU 20 and communication interface 29) to carry out at least one of processing of digital processing data in said digital processing portion received at said external communication device and processing of transmitted data from said external communication device in the digital processing portion, using the control data from said external communication device, (Watanabe, Fig. 9, wherein with resize control signal, image data is resized),

wherein the data communication portion (CPU 20 and communication interface 29) includes a communication portion for continuous data to mutually transmit and receive continuous data between the image processing apparatus and said external communication device, (Watanabe, Fig1, Fig. 3 and Fig. 9, wherein re-size instruction and re-size image data are continuous data).

However, Watanabe does not disclose
a program to control said camera function portion from said external communication device to said external communication device, .

On the other hand, Yamigishi discloses a program (program storing 50) to control camera function portion (200) from said external communication device to said external communication device (300), (see Yamagishi, Fig. 1, Fig. 14 and column 6 lines 53 to 56, wherein a program describing how to operate the image pickup apparatus 200 is downloaded onto the image processing apparatus/portable phone).

Therefore, it would have been obvious to an artisan to combine the program as described by Yamagishi with the image processing apparatus as described by Watanabe such that the program is transmitted the external device because such

combination allows the imaging apparatus to be remotely controlled, resulting convenience for users.

Watanabe and Yamigishi do not disclose the communication of the continuous data by the communication portion for continuous data is capable of communicating in parallel with at least one of the data communication by the camera control interface portion and the data communication by the media interface portion.

On the hand, Misawa discloses the communication of the continuous data (voice data attached to image data) by the communication portion for continuous data is capable of communicating in parallel with at least one of the data communication by the camera control interface portion and the data communication by the media interface portion (Misawa, column 1 lines 35-45, Fig. 1, and Fig. 2, wherein image data and voice data are combined into one file).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the combined voice and image data as described by Misawa into the imaging apparatus as described by Watanabe and Yamagishi such that voice data is transmitted to an external device because such incorporation provides more information from the image environment when the combined voice and image data is play-backed.

Regarding **claim 15**, as previously mentioned in the discussion of claim 14, Watanabe, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

at least one of voice play back of voice data from said external communication device and playback display of the image data from said communication device is carried out, when it is at least judged by said communication judging portion that the communication is possible (Watanabe, Fig. 9, wherein image data is expand and display).

Regarding **claim 16**, as previously mentioned in the discussion of claim 14, Watanabe, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

the media interface program (inherent part) of the communication data with the external communication device transmits and receives data in said data storing portion (35) in the camera function portion (Watanabe, Fig. 3 and Fig. 9, wherein image data is stored in memory card 35 and buffer 33), and

wherein the media interface portion (CPU 20 and communication interface 29) of said data communication portion carries out at least one of readout of the data from said data storing portion and recording of the data to the data storing portion, using said control data from said external communication device, (see Watanabe, Fig. 3, Fig. 7, and column 7 lines 54-57, wherein when in data receiving phase, camera 1A stored received image data into memory 35).

said media interface portion includes means configured

Regarding **claim 18**, as previously mentioned in the discussion of claim 16, Watanabe, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Misawa discloses

said media interface portion (CPU 20 and communication interface 29) transmits the voice data stored in said data storing portion on the camera function portion to the external communication device (Misawa, Fig. 2, wherein image data and voice data are combined; therefore, they are transmitted at the same time).

Regarding **claim 20**, as previously mentioned in the discussion of claim 16, Watanabe, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

said media interface portion (CPU 20 and communication interface 29) includes means configured to resize the image data in said camera function portion of said image processing apparatus according to a resizing method based on control data transmitted from said external communication device and transmit the resized image data to the external communication device (Watanabe, Fig. 9, wherein resized image is sent).

Regarding **claim 21**, as previously mentioned in the discussion of claim 16, Watanabe, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

said media interface portion includes means configured to receive symbol information created by using a function for creating the symbol information which includes characters provided in said external communication device and add the symbol information to a selected recording file of said data storing portion in said camera function portion(see Watanabe, Fig. 11, wherein phone number used for transmission

and resize resolution generated by portable phone 40A is stored in header file of image data in 1A).

Regarding **claim 22**, as previously mentioned in the discussion of claim 16, Watanabe, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

said media interface portion further includes means configured to receive the symbol information which includes the characters provided in said external communication device to the image processing apparatus as image information which is utilized even in said camera function portion in the imaging apparatus (see Watanabe, Fig. 1 and Fig. 9, wherein after portable phone transmits resize resolution for a selected image, image resolution is later on displayed on the camera 1A with the selected image).

media interface portion further includes means configured to transmit information capable of selecting a method of selecting and specifying of a data file alternatively from a plurality of methods of the selecting and the specifying including a method of selectively specifying the data file by displaying an original file name of said data file on a displaying portion in said external communication device (40A) and a method of selectively specifying the data file by displaying the symbol information added to said data file on the display portion, when specifying the data file stored to said data storing portion which is in said camera function portion from said external communication device (see Watanabe, Fig. 4, wherein selecting and specifying data file is performed on the basis of original file name).

Allowable Subject Matter

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record neither anticipate nor renders obvious the limitation that voice data is transmitted from a portable phone to a camera and is recorded in camera memory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/764,450
Art Unit: 2622

Page 10

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/Tuan Le/

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER